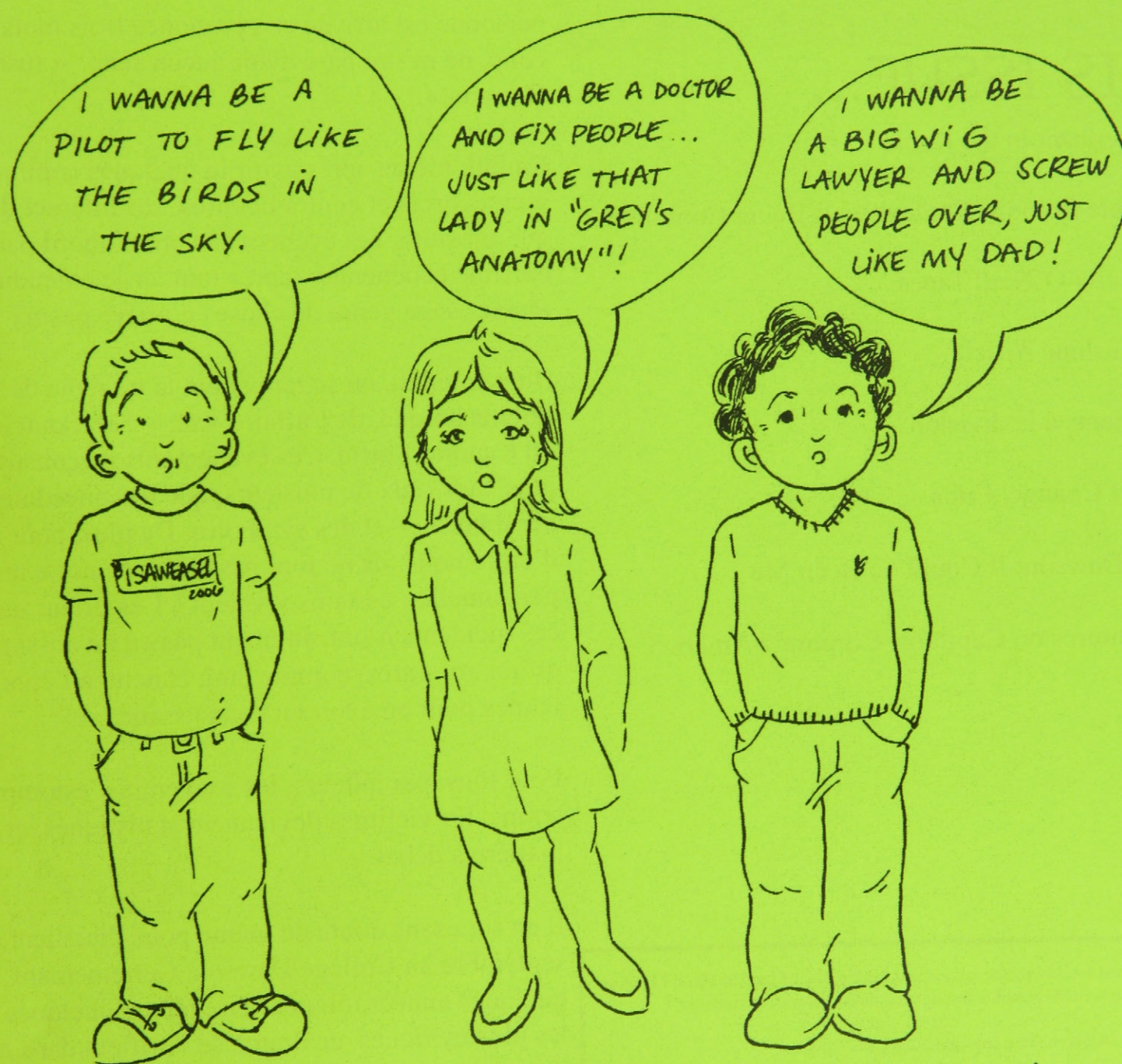


QUID NOVI

McGill University, Faculty of Law
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"KIDS SAY THE DARNEST THINGS"

QUID NOVI

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CE GENRE DE CHOSE N'ARRIVE PAS ICI!

By Caroline Briand, Co-Rédactrice en chef
(Law IV)

Il est futile, pour le moment, au lendemain à peine de ce jour sombre, de prétendre avoir autre chose à l'esprit.

J'étais au stand du Quid mercredi dernier, en train d'essayer de convaincre deux sympathiques étudiants de première année de se joindre à notre équipe, quand une troisième personne est arrivée et a prononcé trois mots qui, sur le coup, ne m'ont paru avoir aucun sens : « fusillade à Dawson ».

En fait, même après avoir lu quelques communiqués de presse, brefs et contradictoires, sur Internet dans les heures qui ont suivi, ces événements ont d'abord paru être un horrible cauchemar : après tout, ai-je entendu plusieurs répéter, « ce genre de choses n'arrive pas *ici* ».

Bien entendu, on se rappellera la tragédie de la Polytechnique, de l'affaire Valéry Fabrikant et des actions du Caporal Lortie. Ces événements ne constituent toutefois plus, aux yeux de plusieurs, que des anecdotes – certes accablantes – et des symboles. De plus, pour nombre d'entre nous, ils ne font pas partie de notre mémoire personnelle : certains vivaient à l'extérieur du Québec, où ces incidents n'ont sûrement pas eu un aussi grand impact qu'ici ; d'autres, comme moi, étaient, à l'époque, trop jeunes pour en avoir eu connaissance.

Pour tous, par ailleurs, les souvenirs s'estompent avec le temps, les victimes deviennent statistiques, et l'horreur, matière à débat.

Il en sera sans doute de même pour l'incident du 13 septembre au Collège Dawson. Certainement, d'ici quelques années, ou peut-être même quelques mois, diront les plus cyniques, ce drame se vitrifiera dans nos esprits, et deviendra un simple fait historique prêt à être, à son tour, décortiqué et relativisé.

On peut être tout aussi certain que si – Dieu nous en garde – une tragédie semblable survenait à nouveau, elle nous troublerait tout autant, et nous ferait dire encore, naïvement, que « ce genre de choses n'arrive pas *ici* ». ■

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:

<http://www.law.mcgill.ca/quid/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment.

THE ELEPHANT IN THE ROOM: EXPLAINING THE CHANGES TO COFFEEHOUSE

by Kara Morris, LSA President (Law III)

It's in the halls and on different peoples' lips as you walk through the faculty. Many people are talking about the changes to Coffeehouse that took place this summer as we move into the new school year. The LSA held a town hall to explain the changes and listen to your input on Monday, September 11. I'd like to address a number of student concerns that have been raised, and outline the LSA position on our changes.

First of all, to explain the changes that have been made to Coffeehouse. Sponsored coffeehouse events will continue to have food provided by invited firms. In addition, at every Coffeehouse, sponsored or non-sponsored, every McGill law student is invited to have a free beverage. Subsequent drinks will cost \$2 for beer and \$1 for soft drinks. Make sure you bring your mug and your student ID card to coffeehouse to claim your drink.

We made these changes in response to poor attendance at many clubs and organization events in past years; sponsored

events, meanwhile, scarcely allowed room to breathe. This year we are continuing to invite firms to meet with students but we are further encouraging them to share their areas of practice in-depth. We are also ensuring clubs coffeehouses are more exciting and interesting by selecting clubs not only on the basis of budgetary needs, but on the basis of the creativity of their proposals. We strongly encourage them to serve food, prepare special drinks, play music, and organize some kind of entertainment — anything that can increase the overall experience of Coffeehouse.

If these changes were going to be implemented this year, they needed to be implemented during the summer. The LSA takes up its mandate at the beginning of May, after students have finished classes for the year. Arrangements with firms are made in June and July when the whole student body is not as easily accessible to consult. The LSA wants to make the faculty better for everyone, and increase the diversity of experience.

This year's LSA wanted to make this change so that Coffeehouse would be different this year, for better or for worse. We think better. We implemented the changes so that this year we could do something new, and so that we would be fully responsible for the change. If we were to instead develop this policy over the year with input from all students, the changes would have to be implemented by next year's LSA, who may not be able to give the new policy the support it requires to be successful.

The LSA recognizes that many students are concerned about the way that this change was implemented. In particular, we have been criticized for our lack of broad student consultation when deciding on this change. To avoid simplistic arguments based primarily on the idea of free beer, we undertook only discreet consultation. The LSA recognizes the need to consult students and listen to their concerns before major changes affecting them are undertaken. At the same time the LSA executive, as

your elected representatives, is here to make decisions on your behalf.

We hope that this change to Coffeehouse events will help to make the faculty of law a more community-focused place, with greater exposure for clubs and activities that students value. We have already seen an increase in faculty turnout, with many professors attending the Human Rights Working Group coffeehouse last week. We hope that you use the new Coffeehouses to hang out with your friends and learn about the club or host group putting on the event.

There is ongoing opportunity to be involved with LSA decision making; our door and email inboxes are always open to new ideas from you. Please contact us about the changes outlined above or for any other issue you think should be brought to our attention. On behalf of the LSA executive, I wish you a successful year at McGill Law. ■

WELCOME FROM THE STUDENT WELL-BEING COMMITTEE!

by Aryana Rousseau (Law II)

On behalf of the new Student Well-Being Committee (SWBC), I would like to welcome you to another year at the McGill Faculty of Law. This committee was formed in response to concerns that students were experiencing an extraordinary amount of stress last year.

Law students and lawyers are notorious for working crazy hours and for focusing intensely on work. The SWBC's mission this year is to help each student define and nurture his or her own well-being. In seeking to do this, we intend to promote healthy eating, active living, and lifestyle choices that meet our social, emotional, and spiritual needs. We are an open and flexible committee, seeking input, contribution and guidance from our fellow students.

I am very excited to be working on this committee, along with my co-chair, Gillian Kerr. People often tell me that I am a "well" person. But it wasn't always so. My commitment to well-being

began in my last year of undergrad, when I got sick with mono. Anyone who has had mono before knows how debilitating it can be. I tried to continue being an over-achiever at school. But it just wasn't possible to continue denying myself rest and leisure time when I was sick. So I learned to slow down, listen to my body and be good to myself. It is unfortunate that I had to get sick in order to learn this important lesson.

My definition of well-being is personal and will be different from everyone else's. We have all come to the faculty to study hard. But we don't necessarily need to study to the exclusion of all other activities. First year students especially need this message because they don't yet know how much they need to study in order to succeed.

I invite you to read an article entitled "Slow Down: How to get more out of Harvard by doing less" (located at the following website: http://www.college.harvard.edu/deans_office/deans_lewis/slow_down.htm).

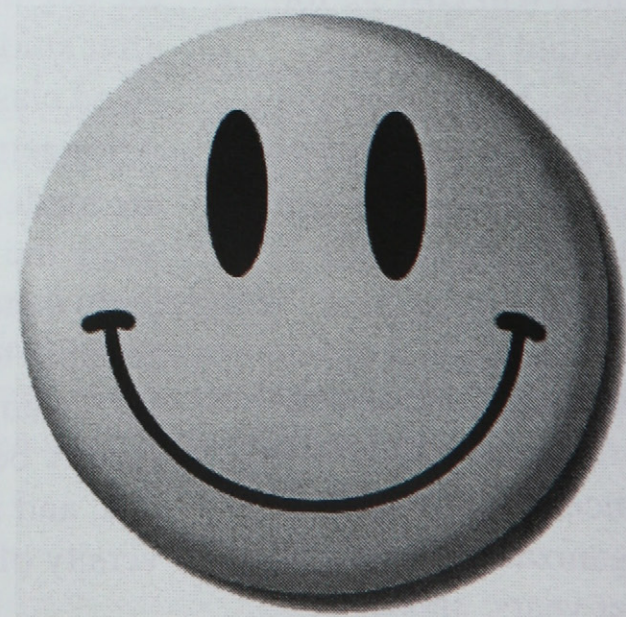
This piece, written by Harvard College's Dean Lewis back in 2001, was a response to concerns that students were over-extending themselves to their detriment. The article was written for undergraduates but I think it is still fitting advice for us law students.

To begin the process of wellness, I also invite you to take time to *think*. Not about legal doctrine or case summaries. Think about what makes you happy and about what you love to do. Think about why you are at the Faculty of Law and about what you want to achieve. It is important to make this exploration personal – try to ignore what your parents want or what your friends are doing or what you think you *should* do. Think about what you *want* to do. Once you have an idea of what you want to do after law school, you may feel less stressed about your time at

the faculty.

We have many activities and projects in mind for the upcoming year. We invite you to join us in promoting well-being in the faculty. You can actively join our committee or simply be a model of well-being in your own life by making a commitment to being good to yourself. Get enough sleep. Eat well. Socialize. Go to Coffeehouse. Stay active. Perhaps even give yourself some study-free, guilt-free time.

Please contact us if you wish to contribute ideas or time to this initiative. We can be reached at aryana.rousseau@mail.mcgill.ca or at gillian.kerr@mail.mcgill.ca. We wish you a fun and healthy year! ■



FOCUS JUSTICE: PHOTO COMPETITION COMPÉTITION DE PHOTOGRAPHIE

The McGill Legal Information Clinic is currently accepting photograph submissions for the front cover of Focus Justice, the Clinic's magazine. One photo will be selected for the magazine cover. The photograph should reflect the themes of access to justice and more specifically, the extent to which legal services respond or fail to respond the needs of the public. The photograph should ideally feature people.

Send submissions to research.mlic@mail.mcgill.ca in JPEG format. Deadline for submissions is Oct. 15, 2006. The winning photo will be printed on the cover of hundreds of copies of the magazine and credit will be given to the photographer.

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La Clinique d'Information Juridique de McGill accepte présentement les soumissions de photographie pour le Numéro 2 de son magazine sur accès à la justice, Focus Justice. Une soumission va être sélectionné pour imprimer sur la couverture du magazine. La photo en couverture devrait refléter les thèmes d'accès à la justice et plus particulièrement, la manière dont les services juridiques répondent ou non aux besoins du public. La photo doit idéalement inclure des personnes.

Les photos doivent être envoyées par courriel à research.mlic@mail.mcgill.ca dans un format JPEG. La date limite pour les soumissions est le 15 Octobre, 2006. La photo gagnante sera imprimée sur les centaines des copies du magazine et le photographe sera reconnu pour sa soumission.

The Career Development Office invites all law students to attend:

What: Legal Professional Assistance Conference, organized by the Canadian Bar Association.

Presentation by LPAC and the Juri-Secours, on the "Overview of the challenges facing the profession" from a national perspective, highlighting the value of the legal profession and having balance in our personal lives.

Giving the presentation will be James Korpan, Past Chair of LPAC and other participants will be George Hendy, Secretary/Treasurer of LPAC and a partner at Osler, Hoskin & Harcourt s.r.l. and Mr. Paul Frechette of Juri-Secours.

Pizza lunch offered with drinks and a few surprises.

When: Wednesday September 20th, 2006

12:30 PM - 1:30 PM

Where: New Chancellor Day Hall, room 101

For more details, please contact the CDO in room 416, by email placement.law@mcgill.ca and by phone at 514-398-6159

THE SECRET O'NEILL TAPES

By Joshua Crane (Law III)

On August 10, 2006, Ontario Superior Court Justice Ratushny denied a Crown application to unseal three audiotapes of a search conducted by the RCMP of Ms. Juliet O'Neill's home in January 2005. Ms. O'Neill has alleged that the RCMP was involved in a conspiracy to entrap her. She claims that the RCMP executed a warrant to search her home in order to badger her into releasing the name of a confidential source who leaked a document which contained information about Maher Arar's confession in Syria: a document later summarized in an O'Neill article in the Ottawa Citizen published in November 2004.

Ms. O'Neill's attorney was present during the search of Ms. O'Neill's home and her attorney took notes during the search. Ms. O'Neill's attorney then filed an affidavit in support of Ms. O'Neill's application to quash the search warrant and the prevailing legislation, the Security of Information Act (SOIA). Although Parliament passed SOIA only months after 9/11, SOIA did very

little to change SOIA's predecessor statute: the Official Secrets Act. Section 4, under which the warrant to search Ms. O'Neill's home and the Ottawa Citizen was authorized, was drafted nearly a century ago.

Although Ms. O'Neill has alleged that the RCMP deliberately targeted her for investigation, surprisingly it was Ms. O'Neill who originally applied to the court to seal the tapes of the search. Ms. O'Neill now relies solely on her attorney's affidavit evidence to support her conspiracy allegations. Her attorney's notes, however, cannot possibly provide context surrounding the words of the investigation officers: to assess whether threats were made, or simply warnings were issued.

It is not unusual for an investigating officer to question the target of a search warrant during its execution. It is also not unusual for that officer to advise the target of the warrant that said person may face charges and a possible prison term. The Attorney General filed an application to unseal the tapes, to hear what really

happened that day. Justice Ratushny rejected that application, because the Attorney General had agreed not to admit further evidence in an evidentiary hearing two months prior. Although Justice Ratushny asked why the application was not made jointly, she sided with Ms. O'Neill, and held that the unsealing of the tapes would risk re-opening the evidentiary phase of the proceedings.

The CBC intervened on behalf of Ms. O'Neill and her co-applicant, the Ottawa Citizen newspaper. The CBC, too, opposed the application to unseal the tapes. One has to wonder why the CBC, a broadcasting and news agency, would want this information hidden from public view. The O'Neill case is about freedom of the press and freedom to publish information, even if that information is deemed to be secret-official information by the Government of Canada. It is doubtful that the public will ever hear the tapes, unless they are returned to the Crown and released to the public following the trial. Even so, if Canadian broadcasters

close ranks, they may never play the tapes on air.

If Ms. O'Neill, the Ottawa Citizen, and the CBC are successful in their Charter attack of SOIA and Justice Ratushny invalidates the provision, a Conservative government likely will not allow a gap in information-control legislation for long. By the time Justice Ratushny renders her decision, the Conservative Party may hold a majority in the House of Commons, and it could advance far stricter legislation, or it could invoke the notwithstanding clause until replacement legislation is passed. Prime Minister Steven Harper has shown a tendency to want to control the flow of information, as evidenced by his strict control over his public image. The short-sightedness of the Canadian media tragically may lead to further secrecy by Canadian public officials: a sad legacy for a case that was supposed to advance freedom of the press. ■

THE SUNSHINE ARTICLE

by Ali Glaser (Law II-how exciting!)

Well boys and girls, welcome back for another year of sunshiny goodness! I know that some out there (hi Professor Antaki!) will be disappointed that I haven't changed my format to become the "stormcloud" article or anything, but I find being negative doesn't come that naturally to me. Sorry guys, you are stuck with the perennial optimist here.

If you are a first year student, or someone who wasn't around last year, or possibly are someone who never read the Quid before (shame!) let me introduce myself. My name is Ali, I'm in second year, and (almost) every week I write an article for the Quid called "The Sunshine Article". The ethos of the article is that it should combat some of the doom and gloom one hears and feels around the hallowed halls of Chancellor Day High. Last year the articles started off with relaxation tips and health/wellness advice in general, and somehow morphed slightly into my own random and hopefully somewhat witty musings. I suspect that this year

there will be more of the same, though I'm not sure how many more articles in which I exalt the virtues of chocolate there can really be before I get lynched by my friends for being boring.

I do hope to provide many more amusing stories about me randomly falling off of things at the gym. In fact, when I went to the bookstore the other day, there was a very short line. I was feeling too lazy to walk all the way around the barrier thingies so I gracefully stepped over them. Except that I am the most ungraceful person in the world, so I promptly caught my foot on the cord and went flying, books and lunch traveling halfway across the floor, cell phone doing backflips out of my pocket, the only thought in my brain being "oh no, save the laptop!", etc. ah well. It's not really a normal week until I fall over and embarrass myself. (want to hear the gym story? find me at coffee house one day. Luckily I get drunk enough off of my one free beer that I am sure to tell you if you ask.)

Right, so that was the random musings part of the article. Now I get a bit serious before I end off with something droll again. As this is the beginning of the year, and I have been exposed to most of the first years during orientation, I thought I would make this article a bit of a myth-buster (though sadly I won't get to blow anything up. Anyone else love that TV show? Ok, I digress). So I present to you some myths about law school that you may hear and/or think:

Myth One: The admissions committee made a mistake and I got in through some fluke. I don't deserve to be here.

Now, the fact that many if not most of us feel this should tell you something right off the bat. IT IS NOT TRUE. Really smart people, in my experience, are humbled by the knowledge of others and by how much they themselves have to learn. This has the advantage of making us nice people who do not possess god complexes, but has the disadvantage of making us extremely paranoid about our abilities. I am sure

that if you asked your classmates and even your professors, they will tell you that many times throughout their lives they have felt like a fraud, that they are not really smart and that *some day someone will find them out!!!!* Even my mother, who is a doctor and is known around the world in her doctor-type circles feels this way. As Professor Lametti said in the welcome video, there is something about you that sparked the admissions committee's interest, which means you deserve to be here. Never forget that.

Myth Two: Law school is the hardest/most painful/worst experience that you will ever have.

Now, there are some people who discover that law is not for them, in which case the above statement may be true. But for the majority of people here, law school is probably going to be fun. I'm serious! All of us are sufficiently nerdy that on some level we enjoy learning and thinking about fun legal issues. Law is about people, about human interaction, about using language to

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get a point across. It is complex and varied, it sometimes doesn't make much sense, but it will always make you think. And that is something that is really worthwhile. I'm not saying that when you've been working on your memo for days, and it's still not quite right, and you've suddenly run out of candy and your fingers hurt from typing and you call up your friend and have a good cry, that you should still think of law school as fun. Of course there are going to be difficult times. You *do* have to work very hard, and it is different from anything you have done before (see below). All that I am saying is that there are a lot of benefits and positives to law school and that you should try and focus on those as much as possible.

Myth Three: I don't get what is happening in my classes because I don't have the right background from my undergrad/cegep.

I have to confess, I am guilty of having uttered something along these lines myself. And there is no doubt that those people with a philosophy undergrad may have a slightly easier time when Professor Manderson talks about Derrida (I'm still not 100% sure what

deconstructionism is all about...) and those with a criminology degree won't have to learn what *mens rea* and *actus reus* are, but really, after that, we are all in the same boat. You have done nothing like this before, so no matter if you have a degree in poli sci, engineering, or bio chem, you really have no more advantage or disadvantage over anyone else. What you do have are good study skills and an ability to think critically, and that, my friends, is really all you need at this point. Law school is completely different from undergrad, and everyone has to learn the new vocabulary, how to read cases, how to make summaries, how to analyze materials, at the same time. I promise.

Myth Four: now that I am in law school, I have to change the way I study

This was the best advice I got from a friend who is a year ahead of me at NYU. Whatever you have been doing up until now worked for you, so don't change because you think you have to for some reason. You work well with study groups – great, make lots of study groups. You hate study groups, don't do them. You like taking notes on computer – no problem, you can clack away and

have the CCQ bookmarked on your desktop. Can't stand computers? Then use paper. There is no model for the "successful law student". The only thing that is sure is that if you try and force yourself to be something that doesn't work for you, then you will not perform as well.

Myth Five: law students are cut-throat and will never help each other out.

Now, I can't speak for other law schools, clearly, but I was pleasantly surprised last year at how much this is not true. From pointing out where the books are in the library that you need to do your legal meth assignment, to passing along great summaries, to sending you notes when you have to miss class, your classmates are the best resource around. I also found they were a great source of comfort when I was stressed and a really great source for parties when I needed to unwind. The awesomeness of my year was one of the best things about law school, so I only hope that this incoming class can carry on the tradition!

Myth Six: I can no longer have a life because I need to work all the time.

All right, people! Take a deep breath and repeat after me: the library is not my permanent residence! This myth is so untrue it is not even funny. Some people seem to thrive on working all night long, but if you are not one of those people then DON'T DO IT. You do *not* have to do all of your reading. In fact, it is impossible to do it, so there is no need to get stressed about it. Did you go to class? Do you have an idea of why the case is relevant? Fine, then move on! (Now, of course I am not advocating that you not do *any* of your readings, just that if you really can't get through them all, then you should not worry). You get a 24 hour take-home exam? I guarantee you that it will not be improved by you staying up all night to write it.

People often ask me how I manage at law school doing so many activities and being married, etc. Basically, I treat this like an 8-6 job. I do work at school (and a lot on the weekends too) but I always keep my evenings free because it is important to me to be home and spending time with friends and family. Again, I am not saying that you *must* do that, I am just saying that should you want to, it is possible. Furthermore, I like having extra-curriculars to

MONUMENTS À LA DIVISION?

by Léonid Sirota (LawII)

do, because they keep me busy and interested, and I work best when I have a certain amount of craziness in my life (there is a critical mass of course, and it is possible to go overboard on extras and find yourself having a schizophrenic meltdown at some point. I seriously hope that this won't be the case with me this year, but if you suddenly stop seeing sunshine articles, you'll know what happened). Your law school experience will be enriched by the other things that you do here, and most of the learning that really counts happens outside the classroom anyway. And don't forget to do at least one thing that has nothing to do with law. It is very refreshing.

Whew, I am wiped now. And my fingers hurt from typing. Perhaps I will go eat some chocolate, make some dinner and not do any more readings. À la prochaine, my friends! ■

Je ne suis pas vraiment sûr pourquoi je me suis retrouvé au mémorial de Dachau, situé sur le site du tout premier camp de concentration nazi. Mais que j'y ai été amené par un devoir de mémoire, une sorte de macabre voyeurisme historique ou un désir de rédemption (pour le genre humain, puisque, et peu importe combien il nous soit difficile de l'admettre, les camps de concentration et les attentats terroristes sont l'œuvre de nos semblables), la visite aura été aussi pénible qu'instructive. Elle m'a amené à me poser, entre autres, une question perturbante. En essayant de semer la discorde entre leurs adversaires et victimes, de diviser pour régner, les nazis auraient-ils réussi, par-delà même leur défaite militaire?

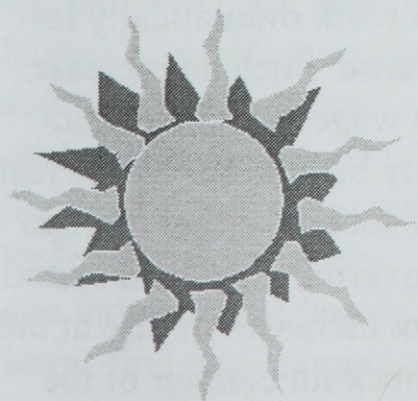
Diviser pour régner, le principe est vieux comme le monde, ce qui ne diminue pas l'efficacité de son application, depuis César jusqu'à Hitler et à Ahmadinejad. À Dachau même, les gardes faisaient tout pour opposer les sociaux démocrates aux communistes, pour mieux maîtriser les deux groupes – apparemment sans trop de succès. Les différents

groupes de prisonniers étaient aussi identifiés par des signes sur leur uniforme, ce qui devait non aider les gardes à les surveiller – et à les humilier – mais aussi contribuer à rendre plus difficile leur coopération en faisant perdurer les préjugés d'un groupe à l'égard d'un autre. Eh bien, plus de soixante ans après la libération de Dachau, j'ai eu l'impression que ces divisions sont toujours tenaces.

Ainsi, la partie du monument à la mémoire des victimes du camp qui rappelle les différents groupes dont les membres ont été emprisonnés à Dachau, en représentant les signes utilisés par les nazis (étoiles de David et triangles de différentes couleurs, selon la « catégorie » à laquelle le prisonnier appartenait) ne fait pas mention des prisonniers homosexuels, pas plus que des criminels. Quant le monument a été érigé, les hommes emprisonnés à cause de leur origines ont été jugés dignes du souvenir par l'association des anciens prisonniers, mais pas ceux qui se sont retrouvés à Dachau pour leurs « choix de vie ». (En fait, je

suppose que la criminalité est, dans bien des cas du moins, un choix. Mais pas le genre de choix qui justifie qu'on mette ceux qui l'ont fait dans un camp de concentration). Et quelle que fût l'acceptabilité d'un tel « oubli » il y a trente ans, je vois mal ce qui l'empêche, à ce jour, d'être rectifié... sauf la persistance de ces vieilles divisions dont les nazis se servaient.

D'autres monuments du mémorial n'ont fait que renforcer mes sombres interrogations. Un monument à la mémoire des prêtres polonais? Une chapelle orthodoxe à la mémoire des Russes? Un monument à la mémoire des Juifs? Les uns pas très loin des autres, mais chacun pour soi. La mémoire d'une nation, d'une religion etc., par cette nation ou religion, pour cette nation ou religion. On se rappelle peut-être chacune, mais lorsque cette mémoire est individuelle, il y a toujours une grande oubliée : l'humanité. ■



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get a point across. It is complex and varied, it sometimes doesn't make much sense, but it will always make you think. And that is something that is really worthwhile. I'm not saying that when you've been working on your memo for days, and it's still not quite right, and you've suddenly run out of candy and your fingers hurt from typing and you call up your friend and have a good cry, that you should still think of law school as fun. Of course there are going to be difficult times. You *do* have to work very hard, and it is different from anything you have done before (see below). All that I am saying is that there are a lot of benefits and positives to law school and that you should try and focus on those as much as possible.

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have the CCQ book-marked on your desktop. Can't stand computers? Then use paper. There is no model for the "successful law student". The only thing that is sure is that if you try and force yourself to be something that doesn't work for you, then you will not perform as well.

Myth Five: law students are cut-throat and will never help each other out.

Now, I can't speak for other law schools, clearly, but I was pleasantly surprised last year at how much this is not true. From pointing out where the books are in the library that you need to do your legal meth assignment, to passing along great summaries, to sending you notes when you have to miss class, your classmates are the best resource around. I also found they were a great source of comfort when I was stressed and a really great source for parties when I needed to unwind. The awesomeness of my year was one of the best things about law school, so I only hope that this incoming class can carry on the tradition!

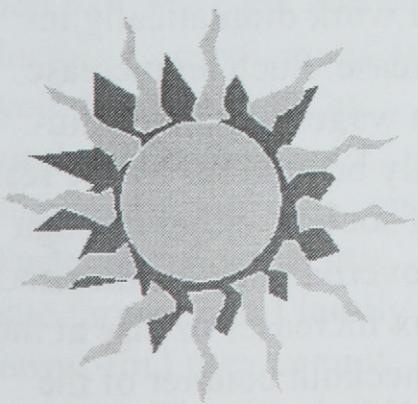
Myth Six: I can no longer have a life because I need to work all the time.

All right, people! Take a deep breath and repeat after me: the library is not my permanent residence! This myth is so untrue it is not even funny. Some people seem to thrive on working all night long, but if you are not one of those people then DON'T DO IT. You do *not* have to do all of your reading. In fact, it is impossible to do it, so there is no need to get stressed about it. Did you go to class? Do you have an idea of why the case is relevant? Fine, then move on! (Now, of course I am not advocating that you not do *any* of your readings, just that if you really can't get through them all, then you should not worry). You get a 24 hour take-home exam? I guarantee you that it will not be improved by you staying up all night to write it.

People often ask me how I manage at law school doing so many activities and being married, etc. Basically, I treat this like an 8-6 job. I do work at school (and a lot on the weekends too) but I always keep my evenings free because it is important to me to be home and spending time with friends and family. Again, I am not saying that you *must* do that, I am just saying that should you want to, it is possible. Furthermore, I like having extra-curriculars to

do, because they keep me busy and interested, and I work best when I have a certain amount of craziness in my life (there is a critical mass of course, and it is possible to go overboard on extras and find yourself having a schizophrenic meltdown at some point. I seriously hope that this won't be the case with me this year, but if you suddenly stop seeing sunshine articles, you'll know what happened). Your law school experience will be enriched by the other things that you do here, and most of the learning that really counts happens outside the classroom anyway. And don't forget to do at least one thing that has nothing to do with law. It is very refreshing.

Whew, I am wiped now. And my fingers hurt from typing. Perhaps I will go eat some chocolate, make some dinner and not do any more readings. À la prochaine, my friends! ■



MONUMENTS À LA DIVISION?

by Léonid Sirota (LawII)

Je ne suis pas vraiment sûr pourquoi je me suis retrouvé au mémorial de Dachau, situé sur le site du tout premier camp de concentration nazi. Mais que j'y ai été amené par un devoir de mémoire, une sorte de macabre voyeurisme historique ou un désir de rédemption (pour le genre humain, puisque, et peu importe combien il nous soit difficile de l'admettre, les camps de concentration et les attentats terroristes sont l'œuvre de nos semblables), la visite aura été aussi pénible qu'instructive. Elle m'a amené à me poser, entre autres, une question perturbante. En essayant de semer la discorde entre leurs adversaires et victimes, de diviser pour régner, les nazis auraient-ils réussi, par-delà même leur défaite militaire?

Diviser pour régner, le principe est vieux comme le monde, ce qui ne diminue pas l'efficacité de son application, depuis César jusqu'à Hitler et à Ahmadinejad. À Dachau même, les gardes faisaient tout pour opposer les sociaux démocrates aux communistes, pour mieux maîtriser les deux groupes — apparemment sans trop de succès. Les différents

groupes de prisonniers étaient aussi identifiés par des signes sur leur uniforme, ce qui devait non aider les gardes à les surveiller — et à les humilier — mais aussi contribuer à rendre plus difficile leur coopération en faisant perdurer les préjugés d'un groupe à l'égard d'un autre. Eh bien, plus de soixante ans après la libération de Dachau, j'ai eu l'impression que ces divisions sont toujours tenaces.

Ainsi, la partie du monument à la mémoire des victimes du camp qui rappelle les différents groupes dont les membres ont été emprisonnés à Dachau, en représentant les signes utilisés par les nazis (étoiles de David et triangles de différentes couleurs, selon la « catégorie » à laquelle le prisonnier appartenait) ne fait pas mention des prisonniers homosexuels, pas plus que des criminels. Quant le monument a été érigé, les hommes emprisonnés à cause de leur origines ont été jugés dignes du souvenir par l'association des anciens prisonniers, mais pas ceux qui se sont retrouvés à Dachau pour leurs « choix de vie ». (En fait, je

suppose que la criminalité est, dans bien des cas du moins, un choix. Mais pas le genre de choix qui justifie qu'on mette ceux qui l'ont fait dans un camp de concentration). Et quelle que fût l'acceptabilité d'un tel « oubli » il y a trente ans, je vois mal ce qui l'empêche, à ce jour, d'être rectifié... sauf la persistance de ces vieilles divisions dont les nazis se servaient.

D'autres monuments du mémorial n'ont fait que renforcer mes sombres interrogations. Un monument à la mémoire des prêtres polonais? Une chapelle orthodoxe à la mémoire des Russes? Un monument à la mémoire des Juifs? Les uns pas très loin des autres, mais chacun pour soi. La mémoire d'une nation, d'une religion etc., par cette nation ou religion, pour cette nation ou religion. On se rappelle peut-être chacune, mais lorsque cette mémoire est individuelle, il y a toujours une grande oubliée : l'humanité. ■

SEEDS OF CHANGE, CUBA

by Jeff Derman (Law IV)

“Someday all the oil will run out, but by that time science will have invented a new technology that will have made oil obsolete and we can carry on pretty much the same as before...” So goes a somewhat common argument for infinite economic growth which grounds itself in a profound hope in scientific progress.

In Cuba, however, the oil “ran out” quite a while before any new fuel source was invented. The industrial mechanisms that powered their soviet-era farms could no longer run. After the collapse of the Soviet Union, Cuba suffered a serious economic plummet which resulted in food scarcity. In response, the Cuban government opted for a radical alternative to feed its people by establishing a system of self-sustaining agriculture that was, of necessity, organic.

Other countries in the region have taken the neo-liberal route of producing primarily “what they are good at” for exportation and sale, and importing the rest. Cuba has chosen

self-sufficiency and food security. In Havana, a patchwork of over 200 gardens supplies its citizens with more than 90 percent of their fruit and vegetables.

The economic design of the various urban garden “organoponics” plots vary. Sometimes the land is owned by the state with profits split 50-50 with farmers. Sometimes farmers have to meet a certain quota to give to the state and then the excess can be used or sold privately for profit, etc.

Prior to the collapse of the Soviet Union in the late 1980’s such farms were scarce. Heavily dependent on the Soviet economy, Cuban farms used to have practically one sole aim; to produce as much sugar cane as possible, which the Soviets purchased for several times its market value. The Soviets also purchased 95% of Cuba’s citrus crop and 73 percent of its nickel. In exchange, the Soviets provided Cuba with 63 percent of its food imports and 90 percent of its oil.

The collapse of the Soviet

regime meant an immediate halt to subsidies. The U.N. Food and Agriculture Organisation reports that the daily calorie intake of Cubans fell from 2,600 calories to 1,500 over the three or four years surrounding the Soviet downfall.

With severely limited oil sources and hungry stomachs, the Cuban government chose to reorganise the agricultural system toward maximum food production and minimal exportation. Their choice was one of necessity and meant a return to traditional, and intelligent, agricultural techniques. Without Soviet supplies of pesticides, herbicides, fertilizers and oil, the Cubans turned to oxen, natural composts, natural pesticides and beneficial insects.

Cuban farmers have been innovators. For example, they use cut banana stems baited with honey to attract ants, which are placed in sweet potato fields to control sweet potato weevil. More than 200 locally based biopesticide centres produce 200 tons of vericillium to control whitefly, and 800

tons of beaveria sprays to control beetles.

Today, the annual calorie intake of Cubans is around 2600 per day. Presently, Cuba’s infant mortality rate is lower than the United States and its life expectancy of 77 years is the same.

From an efficiency and sustainable development perspective, the organic option has proven to far outpace the Soviet model where total production was emphasised at all costs. In the old system, it took 10 or 15 units of energy to produce one unit of food energy.

Nevertheless, it is hard to imagine the rest of the world voluntarily adopting the Cuban model of agriculture. The Cuban model is labour intensive. Workers would not voluntarily head to the fields unless wages for that line of work dramatically increase. Such an increase in wages would eventually be paid for by the rest of society, either through government subsidies and tax increases or else at the checkout counter of the grocery store.

The alternatives are rather bleak. Industrial farming in North America, conducted more and more by the agri-business corporations, operates on a model which is designed around the financial "bottom-line." In order to compete on the global markets, the agri-business corporations generally implement ultra-simplified farms. The usual form consists in massive fields producing a single crop. Gigantesque machines operated by as few people as possible are used for the harvest. A premium is placed on speed and volume. In this way, agribusinesses reduce their financial costs while maximising their marketable product.

The result has been a veritable "mining" of farmland in North America. Topsoil erosion continues to deplete the fecundity and durability of our farmland. There is an ever-increasing necessity to resort to genetic modification and or synthetic chemicals to control pests. The resultant pollution of waterways and reduction of biodiversity is well documented. Our rural communities are plagued by economic underdevelopment as private farmers, and family farms, find they cannot compete. They are left to amass unruly amounts of debt, or declare bank-

ruptcy. Rural markets thereby implode and the communities empty out. Meanwhile agribusiness expands in a continual "race-to-the-bottom" of commodity prices on the international market.

On top of the incessant violence to the land and rural communities, the industrial agri-business sector is heavily dependent on the earth's non-renewable resources, particularly oil.

Curiously today, Cuba has established a sustainable agricultural model, which is not dependent on the global supply of oil. Their land is increasingly healthy and fecund. Their citizens are knowledgeable about their food supply and savvy in the development of techniques that maximise production without injuring the environment or the land.

In terms of long-term economic sustainability, environmental friendliness, and cultural and biological diversity, the Cuban model far outpaces the North American industrial model. Perhaps the question is not *whether* the Cuban model is practical elsewhere on the globe, but *when* and *how* such an agricultural model may best be implemented. ■

SHOT AT DAWSON: It could have been me

by Julien Morissette (Law III)

I had never set foot at Dawson College. That is, until Wednesday, September 13, 2006. On that day, I was to meet a cousin of mine that I had not seen for a very long time. He teaches geography at Dawson. We decided to meet at 11:30 in the morning. Why that time? It was rather random... I found my cousin's office in one of the huge building's wings. We chatted for a few minutes. Why did I not linger any longer? That too, was rather random... I left Dawson around noon. I never could've guessed what was about to happen.

Shortly after, I had to leave for Ottawa. I jump in my car and drive through the downtown core. Traffic is somewhat heavy for the time of day. I see a few police cars whizzing by. Nothing unusual for downtown Montreal, I think. Once on Autoroute Ville-Marie, I turn the radio on – out of habit. Why the radio and not some CD? Once again, I have no cogent explanation.

What follows is far from usual. The radio announcer blurts out: « Il

y a eu une fusillade au Collège Dawson ». What!? Much confused information follows: several gunmen, several people dead, panic, chaos... It started half an hour after I left Dawson. Holy s**t!

The two hour drive to Ottawa is rather eerie. Alone in the car with the radio on, I have too much time to think. What if I had been at Dawson College half an hour later? What if? What if? There are no possible rational answers to such questions. I could've been shot.

I don't believe in faith, at least, not in the sense of set destiny. Probabilities, luck I suppose, explain why I was at the wrong place, but not at the wrong time. I learned a few hours later that my cousin was unhurt. What is left to do then, when left with a deep sense of powerlessness? Be happy I'm alive and attempt to take care of those who were hurt... ■

McGill Legal Information Clinic's magazine
: Focus Justice :
Le magazine de la Clinique d'information juridique de McGill

CALL FOR SUBMISSIONS / APPEL À CONTRIBUTIONS
Issue/ Numéro 2

The Structure of Legal Services / La structure des services juridiques

The McGill Legal Information Clinic is presently accepting submissions for Issue 2 of Focus Justice, a magazine focusing on issues of access to justice. Issue 2 will evaluate the structure of legal services in Québec and Canada. This includes: Assessing the divide between social and legal services
Addressing the short-comings of legal aid, inaccessibility of legal services, and the rise of unrepresented litigants
Offering solutions and insights, or examples of success in other provinces or countries

About Focus Justice: Focus Justice is the magazine of the McGill Legal Information Clinic. Like the Clinic, the magazine is managed and operated by students. The goal of Focus Justice is to stimulate discussion on issues of access to justice that are relevant to the community.

Guidelines: Submissions may be in either French or English and range between 1000 and 2500 words. Articles and essays are welcome from students, academics, practitioners, both in the legal community or from another field. An abstract is requested.

How to Submit Articles: are to be submitted by email to research.mlic@mail.mcgill.ca in Microsoft Word format. The deadline for abstracts is Oct 15, 2006. Final submissions are due October 31, 2006.

La Clinique d'information juridique de McGill accepte présentement les soumissions pour le Numéro 2 de son magazine sur accès à la justice, Focus Justice. Le thème pour le Numéro 2 porte sur une évaluation de la structure des services juridiques au Québec et au Canada. Cela inclue : Une analyse de la division entre les services sociaux et les services juridiques, les lacunes de l'aide juridique, l'inaccessibilité des services juridiques et la hausse des justiciables qui se représentent eux-mêmes. Un aperçu du problème et des solutions, ou des exemples de succès dans les autres provinces ou à l'étranger.

Focus Justice: Focus Justice est le magazine de la Clinique d'information juridique de McGill. Le magazine, tout comme la Clinique, est entièrement dirigé par les étudiants. Le but de Focus Justice est de stimuler la discussion sur les questions d'accès à la justice.

Lignes directrices: Les soumissions peuvent être soit en français ou anglais et doivent être entre 1000 et 2500 mots. Les étudiants, chercheurs, et praticiens de la communauté juridique et d'autres professions sont tous invités à contribuer. On vous demande aussi de soumettre un résumé.

Mode de contribution: Les textes doivent être envoyés par courriel à research.mlic@mail.mcgill.ca dans un format Microsoft Word. La date limite pour les résumés est le 15 Octobre, 2006 et pour les soumissions le 31 Octobre 2006.

LES AVENTURES DU CAPITAINE CORPORATE AMERICA

par Laurence Bich-Carrière (Law III)

Mais que fait donc le Capitaine avec cette grille et ces jetons en pleine salle d'audience ?

Mon estimé confrère, Me Morissette, dit qu'en vertu d'anciennes parties et du jus commune, une audience in camera devrait précéder l'annulation ex post facto de la servitude de non aedificandi. J'ajouterais, de bene esse, que les faits allégués au paragraphe 48 du mémoire de l'intimée soulèvent un problème ius cogens, à l'égard duquel, en toute déférence, cura lex...



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McGill Health Law Publication

Publication en droit de la santé de McGill

RECRUITMENT SCHEDULE AND APPLICATION REQUIREMENTS

The McGill Health Law Publication (MHLP) is a cutting edge initiative founded and led by students at McGill University's Faculty of Law. With three primary components: (1) a peer-reviewed academic publication project, (2) a website and on-line community, and (3) educational workshops and panels hosted at the Faculty of Law, the MHLP provides a wealth of opportunities for student involvement in the exciting and growing area of health law.

With the launch of the MHLP publication project expected early in 2007, there are opportunities for first and upper- year students to join our editorial and management teams for the 2006-07 academic year. Ce projet multidisciplinaire compte plusieurs contributions de chercheurs et de praticiens renommés en droit de la santé, révisées par un comité de lecture.

The MHLP website marks a new approach to student contribution, with an evolving research database on various topics in health law generated by our student members. In the fall of 2006, our student web team will create a new virtual discussion space for students, faculty, and community members. Le MHLP va ainsi ouvrir la voie à une nouvelle manière d'apprendre, de partager les idées et de créer des contacts entre les étudiants et la communauté en général.

Because workshops, conferences, and discussion panels create exciting learning environments and an opportunity to join forces with faculty members, the MHLP offers at least one event of this kind per academic year. L'organisation de ces événements est une expérience enrichissante pour notre équipe d'étudiants et une excellente façon de contribuer à la vie de la faculté

The MHLP has the following positions available for 2006/2007:

Executive Editor, English and French Editors, Managing Editors, Treasurer / Fundraising, Event Planner.

<u>Event</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
Campus Tour	Tuesday, September 5	14:30 – 16:00	3661 Peel
Clubs Day	Wednesday, September 13	12:30 – 14:30	Atrium
First MHLP Meeting	Monday, September 18	13:00 – 14:00	TBA
Applications Due	Monday, October 2	17:00	MHLP Mailbox 3661 Peel Street
Interviews	Tuesday, October 3 – Tuesday, October 10	Various	Various
MHLP Team Announced confirmed	Monday, October 16	N/A	N/A

Application Requirements

To apply for a position with the MHLP, please attend the first meeting of the MHLP on **Monday, September 18, 2006 from 13:300 until 14:300 in Room 2023 NCDH**(Location TBA). This meeting will provide a wealth of information about MHLP's past and future, as well as the positions available and the application process.

By **Monday, October 2, 2006 at 17:00**, please submit an application to the MHLP mailbox located at 3661 Peel (our mailbox is labeled "Health Law Pub").

Applications should include:

A 250-500 word letter stating why you are interested in the MHLP, what you feel you will be able to contribute to the team, and what position you are interested in and why. This letter will be considered your writing sample.

Curriculum Vitae (Maximum 2 pages)

If you have any questions regarding the application process or requirements, visit our website at www.healthlaw.mcgill.ca or please contact our Executive Managing Editor, Gillian Nycum at gillian.nycum@mail.mcgill.ca.



**GOT SOMETHING TO SAY?
GET OFF YOUR SOAPBOX AND WRITE FOR THE QUID!**

**QUELQUE CHOSE À DIRE?
REMISEZ LE MÉGAPHONE ET ÉCRIVEZ POUR LE QUID!**

Deadline for submissions is Thursday at 5 p.m. Jour et heure de tombée: jeudi à 17h
quid.law@mcgill.ca